

By: Shaheen

H.B. No. 1279

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of a county or municipality to adopt or  
3 enforce a smoking ban on the premises of certain businesses.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 161.089, Health and Safety Code, is  
6 amended to read as follows:

7 Sec. 161.089. PREEMPTION OF LOCAL LAW; EXCEPTION. (a)  
8 Except as provided by Subsection (b), this [This] subchapter does  
9 not preempt a local regulation of the sale, distribution, or use of  
10 cigarettes or tobacco products or affect the authority of a  
11 political subdivision to adopt or enforce an ordinance or  
12 requirement relating to the sale, distribution, or use of  
13 cigarettes or tobacco products if the regulation, ordinance, or  
14 requirement:

15 (1) is compatible with and equal to or more stringent  
16 than a requirement prescribed by this subchapter; or

17 (2) relates to an issue that is not specifically  
18 addressed by this subchapter or Chapter 154 or 155, Tax Code.

19 (b) A county or municipality may not adopt or enforce an  
20 order, ordinance, or similar measure that prohibits smoking on the  
21 premises of a business that allows smoking and for which at least 20  
22 percent of the business's revenue is derived from the sale of  
23 cigars, as defined by Section 155.001, Tax Code.

24 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2017.